

September 14, 2001

MAINE PUBLIC UTILITIES COMMISSION
Maine Telecommunication Education Access
Fund

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we agree to provide funds from Maine Technology and Education Access Fund to support certain network functions necessary for the Maine Learning and Technology Endowment (MLTE) technology project for 7th and 8th graders. We also agree that MSLN will support certain other functions for the MLTE.

II. BACKGROUND

The Maine Department of Education (DOE) is currently preparing a Request for Proposal (RFP) to implement a technology project for Maine's 7th and 8th graders. Primary funding will come from the Maine Learning and Technology Endowment as recently approved by the Legislature. P.L. 2001, ch. 358. This legislation requires, as part of the technology plan that will guide the project, coordination with the Maine School and Library Network (MSLN), the Telecommunication Education Access Fund (MTEAF) and the Federal E-Rate to enable and complement the technology components that will be supported by the MLTE. It further directs the Public Utilities Commission to enter appropriate orders or take appropriate actions to ensure that capacity is developed and expanded to provide external and internal network connections, technical support and toll free home network access. *Id.* at II-7(4).

To prepare its RFP, DOE requests that the Commission agree to provide the following support:

1. MTEAF payments totaling no more than \$9 million over a four-year period beginning in August of 2002. It is anticipated that a portion of these funds will be recovered through the Federal E-Rate or from other sources and that actual payments from MTEAF will be at least \$1 million less than this amount and potentially \$4 million less than this amount. Support would be capped at \$2,250,000 per year.
2. Support for e-mail accounts for 7th and 8th grade students and teachers for schools that request such access.
3. Support for some level of Internet access at home for students and teachers.
4. Continued facilitation of access to Internet content filters.

5. Support for the necessary level of bandwidth for schools with 7th and 8th graders, in accordance with existing eligibility guidelines. In those schools where more than T-1 access is needed, MLTE funds may be used to support these upgrades.

The MTEAF Advisory Board urges that we adopt these recommendations, but that we reserve the right to approve any specific planned expenditures. They also asked that we ensure that MTEAF funds be used fairly for libraries as well as schools.

III. DECISION

We agree to provide support from the MTEAF for the five activities requested by DOE. The "up to" \$9 million in funding over four years will be used for internal school networks and to increase the bandwidth of the existing external network to allow the anticipated one-to-one student to device development (described in the Final Report of the Task Force on Maine Learning Technology Endowment at 47-49, Attachment 1 to this Order). The provision of e-mail accounts for students and access to Internet content filters can be provided at little, if any, additional cost. For schools that allow home access, MTEAF will provide a dial-in connection to the network. Finally, the MTEAF will support the level of bandwidth necessary to connect all schools with 7th and 8th graders and may draw on MLTE when more than T-1 access is required.

We believe this level of cooperation and financial support is consistent with the Legislature's intent in establishing the Maine Learning and Technology Endowment. We will retain the authority to approve the specific expenditures. No one should infer from this Order that the Commission supports increased ratepayer assessments to cover project costs over the next four years in excess of current estimates.

As we have done since the beginning of the MSLN project, and now under the MTEAF statutory authority in 35-A M.R.S.A. § 7104-B(4), we will continue to make funding available to qualified libraries to assist them in paying for the costs of acquiring and using advanced telecommunication technologies.

Dated at Augusta, Maine, this 14th day of September, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.